

APPENDIX A

Response to Comments on Draft Model Job Descriptions  
Position Classification Guidance for Regulatory

1. The purpose of this appendix is twofold. First, it is intended to provide information concerning the major issues raised in response to the CECW-OR/CEHR-E memorandum, dated 31 July 1992, subject: Draft Model Job Descriptions/Position Classification Guidance for Regulatory. The general comments received were summarized, categorized and addressed as particular issues. Specific comments on the draft model job descriptions (JDs) have been incorporated, as appropriate, in final standard JDs. Second, this appendix provides guidance with respect to items IA, IIA, IIB1, IIB3, IIB4, IIC, IID, IIIA, and VA of the Regulatory Resources Management Initiative Strategic Plan which was enclosed in Memorandum, CECW-OR, dated 5 April 1993, subject: Regulatory Resources Management Initiative.

2. **INTENT OF INITIATIVE:** Several commenters questioned the intent of the 31 July 1992 initiative and disagreed with the emphasis that it places on the regulatory program. These comments were made in light of current hiring constraints and freezes on high grades, the importance of other programs that have matured or developed in complexity, and in consideration of the USACE reorganization.

The importance and complexity of the regulatory program is emphasized by the day-to-day interface with the public, the program's impact on local, regional and national economics, and the magnitude of changes in legislation and national program emphasis. The original, single focus of this initiative was to ensure that regulatory program staff members were being adequately compensated for the work being accomplished. This focus arose, in part, from the perception and concern that the high turnover rate in the regulatory program was related to the availability of higher paying jobs in other branches, agencies or consulting firms. In addition, some regulatory staff appeared to be seeking less demanding positions at similar rates of pay.

The loss of experienced staff at a time when districts were experiencing expansions of workload, in conjunction with increasing complexity in the program, added significant additional burdens to the efficient and effective administration of the program. Some districts responded to the increasing burdens being placed on regulatory staff by reorganizing their regulatory branches; identifying and establishing a higher grade structure in the process. Therefore, the CECW-OR initiative became known as the "Regulatory Upgrading Initiative." The strategy for achieving the upgrading of regulatory staff nationwide was to work with the HQUSACE human resources element,

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CEHR-E, to develop model JDs which could be adopted in the field.

Through the development of, and the comments concerning, the draft model JDs it became more and more clear that the initiative represents more than ensuring adequate compensation. The 31 July 1992 Memorandum stated the desire to create an organizational environment which promotes productivity, effective management and high morale as the overall goal of the Regulatory Resources Management Initiative. The objectives address a number of issues related to the Corps Regulatory Program including program functions and mission, effective management, the role of key positions, training and career development and recognition/awards.

**3. FUNCTIONS AND MISSION:** Although no specific comments were received concerning functions and overall mission of the regulatory program, these issues are integrally related to the intent of the Regulatory Resources Management Initiative. The importance of a complete functions statement and the identification of a mission (or vision) statement cannot be overstated with respect to the success of this initiative or the program in general. The function statement provides an underpinning for a standard organization structure and is integrated into the duties and responsibilities of key positions. The mission statement provides a framework, focusing the program on goals and objectives which serve as points of reference for actions and decisions by individuals and organizations involved in the program on the national, regional, and local level.

Functions statements; i.e., organizational policy and standardization of roles and responsibilities for technical organizations in the support of Corps programs and project management functions, are established by Engineer Circular. The EC pertaining to districts, No. EC 10-1-55, Organization and Functions, Districts and Operating Major Subordinate Commands, was updated on 30 November 1992. The functions statement for the regulatory program has been revised to accurately identify the work expected of, and being accomplished by, regulatory program staff. It has also been updated to reflect changes in legislation and program emphasis.

The regulatory program missions statement has yet to be formalized. However, three national program goals were presented at the 1991 Biennial Regulatory Conference in Monterey, California, and again at the 1992 Biennial Regulatory Conference in Ponte Vedra, Florida. Simply stated, these goals are to:

- a. Protect the aquatic environment;
- b. Improve the efficiency of decision-making; and
- c. Ensure fair and reasonable decisions for applicants.

It is our intent to develop a formal mission statement, including a vision for the future, through a process which involves the participation of all regulatory personnel.

4. **ORGANIZATION STRUCTURE:** Commenters expressed concern that the model organization structure, and associated JDs, were not representative of most districts, that the cradle-to-grave approach might not be appropriate depending on geographic size and FTE strength, that there is no "luxury of lower graded employees" and that flexibility in implementation must be allowed. One commenter indicated that the initiative could not be supported due to their district's organization structure being dissimilar from the recommended structure.

While our intention has always been to allow flexibility, we believe the alternatives which fulfill the intent of the Regulatory Resources Management Initiative are limited. It appears that two basic organization structures, both of which involve project managers working with a high level of independence within a particular geographic area, meet the goal and objectives of the initiative. Within these structures there are also some limited options. The two structures, and their options, are outlined in Appendix B.

We envision a project management approach to entail cradle-to-grave processes for permits and enforcement. Central to the two organization structures is the premise that these two processes, while requiring similar knowledges and skills on the part of the project manager, are separate and often distinct. For example, a full cradle-to-grave process for permit evaluation might proceed from a jurisdictional determination through pre-application consultation, application evaluation, permit issuance or denial to permit compliance monitoring and possibly permit modification.

For an enforcement action a full cradle-to-grave process might begin with an investigation/inspection of an alleged violation and include preparation of a cease and desist order, a jurisdictional determination, processing of an after-the-fact

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application and/or restoration plan, and litigation. (NOTE: Individual actions do not always include every step nor follow the specific sequence of steps outlined in these examples.)

The basic, and lowest, level of full responsibility for project management lies with the Regulatory Project Manager. The Regulatory Project Manager has responsibility for personally conducting the work or managing all or portions of the work which is performed by others, including regulatory specialists, other district elements, and/or applicants/violators and their consultants. The Regulatory Project Manager is the primary point of contact for individual actions. As such, the Regulatory Project Manager effectively has the authority to commit the government to actions which in turn may affect the expenditure of substantial amounts of money by applicants. This requires a broad knowledge of the Corps Regulatory Program, the application of professional judgement and a high degree of independence.

Therefore, the project management approach effectively addresses program management issues which are related to regulatory staff as well as service to the public. We believe that it is the only method that can achieve all three goals stated in item 3 above, due to the constantly changing and increasingly complex regulatory program. We recognize that the project manager approach is not compatible with current organization structures in some districts. If this is the case, reorganization will be required in those particular districts. In addition, training may also be required in order to ensure that employees have the knowledge required to perform the duties described in the associated standard JDs.

**5. POSITION MANAGEMENT:** Concerns expressed by commenters with respect to the project manager and regulatory specialist positions were related to the amount (percentage) of job time which must be devoted to the performance of grade supporting assignments, the delegation of responsibility/authority, appropriate methods for determining the complexity and extent of workload, and consideration of unique, mission related responsibilities. With respect to supervisory positions, commenters expressed concern about the number of people supervised and the status of the White Collar Guide for Supervisors. Finally, one commenter suggested that we use standard JDs, not models, as grades adhere to standard JDs and model JDs are viewed as sources of information and general guidance.

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To reiterate what was stated in the 31 July 1992 memorandum, we consider Regulatory Project Managers, with cradle-to-grave responsibilities for permit and/or enforcement activities, to perform the most critical functions of the regulatory program. Regulatory Project Managers are the individuals who most frequently interface with and provide critical guidance to the regulated public. As indicated above, we believe this approach represents effective management as well as a flattening of the organization as advocated by Vice President Gore's reinventing government. A Regulatory Project Manager who is assigned a particular geographic area quickly becomes known as "the" point of contact. This helps to establish a rapport which provides better public service and encourages public participation in monitoring regulated activities. In addition, a project management approach is better for the environment. Regulatory Project Managers become familiar with the landscape for which they are responsible and develop an institutional knowledge with respect to the types of activities and issues associated with that area. Recommendations and decisions on individual actions are then within the context of a broader ecological area. Field work and office work also become more efficient. Several field inspections can be combined into single trips and others can be eliminated based on familiarity with the area. The duties and responsibilities of Regulatory Project Manager positions also provide for a diverse and challenging job. Combined with appropriately delegated authorities, comprehensive training, adequate compensation, and proper recognition, a work environment which promotes productivity and high morale can be created.

A concept which is central to this initiative is that all Regulatory Project Managers perform the same duties, regardless of their location, organizationally or geographically. However, this does not mean that all regulatory personnel will be, or should be, Regulatory Project Managers. This may be the case in some districts, while in other districts the workload will not support all regulatory personnel being Regulatory Project Managers. In order to determine the appropriate distribution of workload, a workload analysis must be performed. We encourage workload to be distributed in a manner which makes effective use of resources. We believe this involves a balanced and economical distribution of work which provides stimulating and challenging work assignments, as well as logical career patterns and clear lines of progression. AR 690-312.2-2C(1) provides that grade controlling work will be performed more than 50% of the job time unless a different mix is cost effective or mission essential, as determined by the Commander. However, in these instances a sustained workload of at least 25 percent of the job

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time must be spent working on Regulatory Project Manager duties.

Guidance with respect to the Regulatory Project Manager (i.e., grade supporting) duties, and the delegation of appropriate authorities, is provided in Appendix C. General guidelines for determining workload, which considers uniqueness, complexity, and extent of the work responsibilities will be developed for future distribution.

With respect to the White Collar Guide for Supervisors, the final, called the General Schedule Supervisory Guide, was completed 26 January 1993. Department of Defense supplementary guidance was added on 24 June 1993 and Department of the Army implementing instructions were added on 30 June 1993 and USACE implementing instructions were added on 9 December 1993. The JDs for branch and section chiefs, which are provided in Appendix C, incorporate this guidance.

Finally, the JDs included in this package are standard JDs. Use of the standard JDs presupposes the assignment of the duties as described. The following paragraphs six and seven of this appendix discuss the development of JDs to meet local needs beyond those included in this package.

**6. DISCIPLINES/CLASSIFICATION:** Numerous comments were received which expressed concern with respect to the proposed classification of the model JDs for Regulatory Project Manager and Regulatory Specialist as a GS-401, Biologist. (We asserted, in the draft guidance, that the majority of regulatory staff, nationwide, are classified in the GS-401 series and that we envision this trend to continue due to the emphasis on technical expertise in natural sciences.) One commenter also took exception to our view that additional justification would be required in order to classify the Regulatory Project Manager position for the Engineering Series. Concern was expressed with respect to the potential impact of the natural science focus on engineering professionals and technicians, as well as individuals without college degrees, who are currently in the program.

We clearly do not wish to limit Regulatory Project Manager positions to only those individuals who qualify for the GS-401 series. Our intent is to encourage the development of a well-rounded multi-disciplinary team, rather than to preclude establishing positions in other series. In determining the appropriate classification for basic duties we attempted to identify a series which could "capture" individuals with a wide variety of backgrounds. The final basic standard JDs are

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interdisciplinary, classified as Geographer (GS-150), Biologist (GS-0401), and Physical Scientist (GS-1301). JDs have also been prepared for Environmental Protection Specialist (GS-028) and Environmental Engineer (GS-819) positions. Internal placement guidance for reassignment of current regulatory personnel into the standard JDs is found in Appendix C.

We also recognize that districts have identified needs for expertise in particular areas; such as, unique environmental conditions, construction techniques, local/regional program emphasis, or local/regional industry. In these instances, it would be appropriate to recruit an expert in the specialized field and designate that individual as having branch-wide duties with respect to their particular area of expertise, in addition to normal project management duties. To accommodate a variety of series, the standard JD can and must be modified to describe duties and responsibilities for such a substantive program function, which has significant technical issues. This function may involve either a requirement for the significant adaptation and extension of professional principles and techniques or a regular and recurring requirement for the technical work to be performed. Guidance with respect to the appropriate modification of standard JDs is provided in Appendix C, along with a couple of examples of specific modifications to accommodate series which are currently being used throughout the Corps. Additional JDs can, and should, be developed at the local level as particular specialized needs are identified.

**7. ADDITIONAL JDS:** A frequent comment pertained to the need for JDs for the full array of regulatory program staff; e.g., support, technical, clerical, and/or administrative positions, Chief of support/administrative sections, Assistant Branch Chief, and field office personnel. One commenter stated that the Regulatory Specialist positions could be used to upgrade clerical to technician and assistant positions.

Standard JDs are provided in Appendix C for the key positions in the standard organization structure. Guidance is also provided for development of Assistant Branch Chief and positions with field office management responsibilities. The organization structures outlined in Appendix B provide for the variety of support positions that exist in regulatory branches at this time.

However, the establishment of such positions in branches where they do not currently exist is not required. JDs for these positions are to be developed at the local level as particular needs are identified.

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With respect to using the Regulatory Specialist JDs to upgrade clerical to technician and assistant positions, this action is inappropriate. The Regulatory Specialist JD has been developed for career interns, with a full performance GS-11, who are expected to develop the potential to become Regulatory Project Managers. However, this does not preclude qualified personnel who are currently in clerical or technical positions from being selected for vacant intern positions. We believe that the Regulatory Specialist JD for the Environmental Protection Specialist Series (GS-0028) provides an opportunity for qualified personnel in clerical or technical positions to become established in a career track which has clear lines of progression. It should be noted, however, that as this position progresses through the GS-5/7/9/11 levels there is a corresponding increase in the requirement for scientific knowledge. Individuals who enter this career track from a clerical or technical position should be apprised of this requirement, which most likely will involve specialized training or extra effort on their own initiative.

**8. POSITION EVALUATION:** The need for guidance (i.e., method or criteria) for evaluating an individual position with respect to the appropriate grade was identified and there was one request for standards to use to evaluate the positions. Commenters noted that not every individual is capable or trained to do every responsibility, some are developed as generalists with others specializing (e.g., in jurisdiction, permit compliance, cultural resources), and that each Regulatory Project Manager may require a unique JD. One commenter also suggested that field personnel meet requirements of the JD for the Regulatory Project Manager automatically due to working out of isolated areas and encountering supervisory difficulties in addition to performing normal project management duties assigned to their positions.

The evaluation of an individual position is affected by the level and amount of work assigned. The appropriate level and amount of work which supports a Regulatory Project Manager position is discussed in item 5, above and in Appendix C. We concur that personnel in field offices have unique duties and



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responsibilities which were not reflected in the model JD and have included guidance for modification of the basic standard JD in Appendix C.

Although personal performance is not an evaluation factor, it is important to recognize the role which performance plays with respect to an individual being assigned to a position described by a particular JD. In instances where an individual is not performing the described duties, or at the level indicated, the standard JD cannot be changed; i.e., remove tasks from the JD. Supervisors must address the performance deficiency or reassign or remove the individual from the position. Therefore, it is critical that regulatory personnel receive appropriate training and career development in order to perform the duties described in the JDs for Regulatory Project Managers, as well as Regulatory Specialist. Supervisors have a responsibility to ensure that regulatory personnel are able to progress when eligible to progress.

9. This appendix was developed as part of the Regulatory Resources Management Initiative. Information on this initiative and the additional guidance which has been referenced throughout this appendix is found in:

a. Memorandum, CECW-OR/CEHR-E, dated 5 April 1993, subject: Regulatory Resources Management Initiative.

b. Appendix B: Standard Organization Structure for Regulatory.

c. Appendix C: Standard Job Descriptions (JDs) for Regulatory.